



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

## Division of Water Rights

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**Gray Davis**  
Governor

APPLICATION 17345

PERMIT 11383

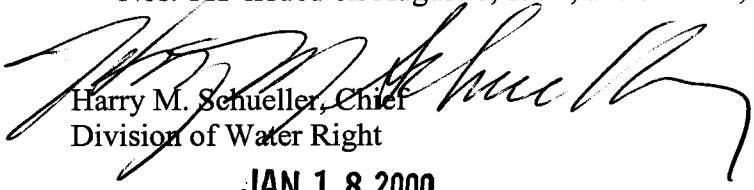
### ORDER TERMINATING PRELIMINARY AND REVISED CEASE AND DESIST ORDERS AGAINST THE CITY OF FORT BRAGG, NOYO RIVER IN MENDOCINO COUNTY

#### WHEREAS:

1. Permit 11383 was issued to the City of Fort Bragg (City) on May 27, 1958 pursuant to Application 17345. The permit authorizes diversion of water from the Noyo River for municipal purposes.
2. A complaint was filed by California Department of Fish and Game (DFG) against the City alleging violation of their minimum bypass requirements during the summer and fall months pursuant to Permit 11383. The Division of Water Rights review concluded that the City was in violation of the terms of its permit and on April 7, 1992 the State Water Resources Control Board (SWRCB) issued a Preliminary Cease and Desist Order No. 11P.
3. On August 6, 1992 and June 24, 1993, the SWRCB issued orders revising the requirements of Preliminary Cease and Desist Order No. 11P to require the City take several additional actions to increase water conservation, augment the City's water supply and reduce the probability of violations of the bypass flow requirements specified in Permit 11383.
4. On June 1, 1998, the SWRCB entered an order amending the bypass flow requirements of Permit 11383. The amended bypass flow requirements account for the pronounced tidal influence on conditions in the lower Noyo River.
5. The information provided to the SWRCB indicates that permittee has complied with the revised bypass flow requirements specified in Permit 11383.
6. Good cause has been shown to terminate the Preliminary Cease and Desist Order No. 11P and the Revised Cease and Desist Order Nos. 11P.

#### NOW, THEREFORE, IT IS ORDERED THAT:

1. The SWRCB hereby terminates the following Orders issued to the City: Preliminary Cease and Desist Order No. 11P dated April 7, 1992 and the two Revised Cease and Desist Order Nos. 11P issued on August 6, 1992, and June 24, 1993, respectively.

  
Harry M. Schueller, Chief  
Division of Water Right

Dated:

**JAN 18 2000**

**California Environmental Protection Agency**

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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 17345 PERMIT 11383 LICENSE \_\_\_\_\_

ORDER TO CHANGE THE PLACE OF USE,  
AND APPROVING A NEW DEVELOPMENT SCHEDULE,  
AND AMENDING THE PERMIT

**WHEREAS:**

1. Permit 11383 was issued to City of Fort Bragg on May 27, 1958 pursuant to Application 17345.
2. A petition to change the place of use, and a petition for an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board.
3. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. Permit Condition 7 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The Place of Use under the permit be amended to read:

Place of Use: Portions of Section 36, T19N, R18W, and Portions of Section 31, T19N, R17W, MDB&M. Portions of Section 1, 12 & 13, T18N, R18W, and Portions of Section 6, 7, 8 & 18, T18N, R17W, MDB&M, as shown on map on file with State Water Resources Control Board.

2. Paragraph 5 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1995

(0000009)

3. Paragraph 7 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.